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Letter dated 7 July 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to forward to you the report of the Middle East Quartet, issued by the Special Coordinator for the Middle East Process on 1 July 2016 (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Vitaly Churkin

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Annex to the letter dated 7 July 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

Report of the Middle East Quartet

At its meeting in Munich on 12 February 2016, the Middle East Quartet reiterated its concern that current trends are imperilling the viability of the two-State solution. Underlining its commitment to supporting a comprehensive, just and lasting resolution to the Palestinian-Israeli conflict, the Quartet agreed to prepare a report on the situation on the ground.

The present report does not provide a complete review of the humanitarian, political, legal or security aspects of the situation, or address final status issues. It focuses on major threats to achieving a negotiated peace and offers recommendations to advance the two-State solution.

Summary

The Quartet reiterated that a negotiated two-State outcome is the only way to achieve an enduring peace that meets Israeli security needs and Palestinian aspirations for statehood and sovereignty, ends the occupation that began in 1967 and resolves all permanent status issues.

The Quartet recalls its previous statement and relevant Security Council resolutions and pledges its active support for ending the Israeli-Palestinian conflict on the basis of Council resolutions 242 (1967) and 338 (1973). In this regard, the Quartet reiterates its commitment to continue working in coordination with key stakeholders, including regional countries and the Security Council, to restore hope for a political solution.

While the majority of people on both sides and Prime Minister Benjamin Netanyahu and President Mahmoud Abbas express their support for the goal of two States living side by side in peace and security, the Quartet remains seriously concerned that continuing on the current course will make this prospect increasingly remote. In particular, each of the following trends is severely undermining hopes for peace:

- Continuing violence, terrorist attacks against civilians and incitement to violence are greatly exacerbating mistrust and are fundamentally incompatible with a peaceful resolution;
- The continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development is steadily eroding the viability of the two-State solution;
- The illicit arms build-up and militant activity, the continuing absence of Palestinian unity and the dire humanitarian situation in Gaza feed instability and ultimately impede efforts to achieve a negotiated solution.

The Quartet stresses the urgent need for affirmative steps to reverse each of those trends in order to prevent the entrenchment of a one-State reality of perpetual

occupation and conflict that is incompatible with realizing the national aspirations of both peoples.

The Quartet reiterates that unilateral actions by either party cannot prejudge the outcome of final status negotiations and will not be recognized by the international community.

The Quartet stresses that, while a permanent status agreement that ends the conflict can only be achieved through direct bilateral negotiations, important progress can be made now towards advancing the two-State solution on the ground.

The Quartet calls upon each side to independently demonstrate, through policies and actions, a genuine commitment to the two-State solution.

To that end, the Quartet emphasizes the importance of both parties complying with their basic commitments under existing agreements in order to promote this two-State reality and lay the groundwork for successful negotiations.

I. Violence and incitement

Continuing violence, recent acts of terrorism against Israelis and incitement to violence are fundamentally incompatible with advancing a peaceful two-State solution and are greatly exacerbating mistrust between communities. Upholding the commitment to act effectively against violence, terrorism and incitement is critical to rebuilding confidence and to avoiding escalation that will further undermine the prospects for peace.

Violence

In the recent wave of violence that began in October 2015, there have been over 250 attacks and attempted attacks by Palestinians against Israelis. At least 30 Israelis have been killed in stabbings, shootings, vehicular attacks and a bombing. In the most intense period, there were three to four attacks per day across Israel, Jerusalem and the West Bank. These terrorist attacks, which have been carried out mostly by young, unaffiliated individuals, contribute to the sense among Israelis of living under constant threat.

During this period, at least 140 Palestinians have been killed while carrying out or reportedly carrying out attacks. At least 60 more were killed by Israeli security forces during Palestinian demonstrations, clashes or military operations.

The frequency of attacks and clashes declined significantly in 2016. The slowdown is due in large part to the effective efforts of the Palestinian Authority security forces, which have successfully thwarted attacks, seized weapons and arrested suspected extremists. Continued security coordination between both sides has also played a key part in reducing violence. The importance of these factors has been recognized by both Israeli and Palestinian security officials and political leaders.

Recent terrorist attacks, however, like the Jerusalem bus bombing in April and the deadly café shooting in Tel Aviv in June, in which four Israelis were killed, are tragic examples that the underlying causes of the recurring cycles of violence remain.

During this period, Israel has responded by expanding the use of administrative detention, resuming punitive house demolitions and enforcing closures of whole districts, which could further exacerbate tensions. Some senior Israeli security officials have expressed concern about cases, including several captured on video, in which excessive force appeared to have been used when there was no immediate threat. One soldier has been indicted for manslaughter.

Settler violence against Palestinians, including assaults, vandalism and the destruction of property, remains a serious concern. While there has been a significant decline in the number of attacks over the past three years, there have been some especially severe incidents, including the horrific arson attack in Douma in 2015 that left three dead and the burning to death of a Palestinian youth in 2014. Such attacks, which senior Israeli officials have called terrorist acts, contribute to a continuing sense of vulnerability among Palestinians.

Israel has increased efforts to curb settler violence by establishing a special police unit and enhancing preventive and punitive measures applied against extremist groups. While prosecutions of suspected perpetrators have increased, and there have been some high profile convictions, the overall conviction rate for Israeli extremists accused of violence remains significantly lower than that for Palestinians.

Incitement to violence

Palestinians who commit terrorist attacks are often glorified publicly as "heroic martyrs". Many widely circulated images depict individuals committing terrorist acts with slogans encouraging violence. The spreading of incitement to violence on social media has gained momentum since October 2015 and is particularly affecting young people.

Hamas and other radical factions are responsible for the most explicit and widespread forms of incitement. These groups use media outlets to glorify terrorism and openly call for violence against Jews, including instructing viewers on how to carry out stabbings. Following the April 2016 bombing of an Israeli bus that injured at least 21 people, Hamas staged a rally celebrating the attack.

Some members of Fatah have publicly supported attacks and their perpetrators, as well as encouraged violent confrontation. In the midst of the recent wave of violence, a senior Fatah official referred to perpetrators as "heroes and a crown on the head of every Palestinian". Fatah social media have shown attackers superimposed next to Palestinian leaders following terrorist attacks.

The Palestinian Authority leadership has repeatedly made statements expressing opposition to violence against civilians, and senior officials have publicly maintained a commitment to non-violent resistance. Regrettably, however, Palestinian leaders have not consistently and clearly condemned specific terrorist attacks. Streets, squares and schools have been named after Palestinians who have committed acts of terrorism.

Extremist ideologies espousing hate, racism and violence have a dangerous influence on both sides. Israeli extremists and perpetrators of "Price Tag" attacks often call for "Death to Arabs", and some social media sites have included references to justifications for violence against Palestinians. In at least one notable case, a video celebrating the Douma arson attack was widely circulated. Among

other incidents, some Israeli leaders and officials have spoken in support of the use of lethal force against Palestinian assailants.

II. Settlement expansion, land designations and denial of Palestinian development

The continuing policy of settlement construction and expansion in the West Bank and East Jerusalem, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, is steadily eroding the viability of the two-State solution. This raises legitimate questions about Israel's long-term intentions, which are compounded by the statements of some Israeli ministers that there should never be a Palestinian State. In fact, the transfer of greater powers and responsibilities to Palestinian civil authority in Area C, contemplated by commitments in prior agreements, has effectively been stopped, and in some ways reversed, and should be resumed to advance the two-State solution and prevent a one-State reality from taking hold.

Designating land for exclusive Israeli use

Area C comprises 60 per cent of the West Bank and includes the majority of agricultural lands, natural resources and land reserves. Some 70 per cent of Area C has been unilaterally taken for exclusive Israeli use, mostly through inclusion in the boundaries of local and regional settlement councils or designations as "State land". Nearly all of the remaining 30 per cent of Area C, much of which is private Palestinian property, is effectively off-limits for Palestinian development because it requires permits from the Israeli military authorities that are almost never granted.

The process of designating additional "State land" in Area C, which potentially affects any land that cannot clearly be established as Palestinian private property, is ongoing. In March 2016, over 2,000 dunams south of Jericho were declared "State land" and, in August 2014, nearly 4,000 dunams west of Bethlehem were declared "State land".

Settlement construction and expansion

Since the beginning of the Oslo Process in 1993, the population of settlements has more than doubled, with a threefold increase in Area C alone. There are currently at least 370,000 Israelis living in some 130 settlements in Area C, including at least 85,000 deep in the West Bank. Combined with some 200,000 in East Jerusalem, this brings the total settler population to at least 570,000.

The policy of steadily constructing and expanding settlements and related infrastructure continues. Between 2009 and 2014, the West Bank settler population increased by over 80,000, including at least 16,000 deep in the West Bank. During this period, construction began on over 9,000 new settlement units in Area C and over 3,000 in East Jerusalem. Since mid-2014, there has been a marked slowdown in the advancement of plans and issuance of tenders for West Bank settlement units. However, the rate of construction starts during this period has remained consistent, as there are previously approved plans and tenders that allow building to continue even in the absence of new approvals.

Moreover, the process of retroactively "legalizing" outposts has the practical impact of expanding the footprint of existing settlements, if not effectively creating new ones. Approximately 100 settlement outposts in Area C have been built without formal Israeli Government approval. Under Israeli law, these outposts are illegal and must eventually either be retroactively authorized or removed. The Government's approach has been to pursue "legalization" when possible. Over the past decade, 19 outposts have been "legalized" and 13 others are reportedly undergoing that process, including several that were explicitly supposed to have been dismantled under the Quartet road map. The rest are pending Government action. The dismantling of these outposts has been very rare, and in cases where the court has ordered their removal, the Government has sometimes provided land for relocation in Area C.

Denying Palestinian development

The Israel military retains full authority over development in Area C, including planning and zoning for housing, industrial zones, tourism sites and essential infrastructure such as roads and electricity lines. While settlements have continued to grow, there has been a near complete cessation of issuance of approvals for private Palestinian development or construction in Area C. In fact, only one permit for Palestinian housing construction in Area C was reportedly approved in 2014, and there do not appear to have been any in 2015. In the five-year period from 2009 to 2013, only 34 building permits were approved for Palestinians in Area C, out of at least 2,000 submissions.

All structures lacking permits from the Israeli authorities in Area C and East Jerusalem are potentially subject to demolition orders. There are over 5,000 demolition orders pending against Israeli structures in Area C, and over 11,000 demolition orders pending against Palestinian structures, three quarters of which are on private Palestinian land. Only a small percentage are executed every year. However, as Palestinians are consistently denied permits to build legally, they are left with few options but to build without permits.

There was a significant increase in the number of Palestinian structures demolished across the West Bank in the first four months of 2016, with some 500 demolitions of Palestinian structures by the Israeli authorities and nearly 800 Palestinians displaced, more than in all of 2015. In East Jerusalem, 64 Palestinian structures were demolished from January to June 2016. Vulnerable Bedouin and farming communities were the most heavily affected by these demolitions. Although many of them were not dwellings, the loss of structures such as water wells, solar panels and animal shelters has had an impact on the livelihoods of over 2,500 people since the beginning of the year.

Palestinian development is also constrained by complex physical and administrative restrictions on the movement of people and goods, which Israel justifies as necessary for its security, including that of settlements. These restrictions, including temporary and long-standing checkpoints, add to the costs of importers and exporters, limit access to natural resources and agricultural land and discourage private sector investment. While some restrictions have been eased and the number of temporary permits for work in Israel has increased to nearly 70,000 in 2016, Palestinians still face substantial difficulties in accessing basic services and employment opportunities. Moreover, these restrictions amplify the humiliation of

living under military occupation and frustrate many aspects of daily life for Palestinians, including going to school, seeking medical attention and attending family gatherings.

III. The Gaza Strip and Palestinian governance

The illicit arms build-up by and militant activity of Hamas, the lack of control of Gaza by the Palestinian Authority and the dire humanitarian situation, exacerbated by the closures of the crossings, feed instability and ultimately impede efforts to achieve a negotiated solution. Preventing the use of territory for attacks against Israel is a key commitment that is essential to long-term peace and security. In the absence of significant steps by all sides to address the deteriorating conditions, there is increased risk of a new escalation of hostilities.

Continuing militant build-up

The illicit arms build-up in Gaza by Hamas and other Palestinian groups is continuing, including the building of tunnels, the smuggling of weapons and the production and launching of rockets towards Israel. Such activities increase the risk of renewed conflict, divert resources from humanitarian efforts and threaten the lives of civilians in Israel and Gaza.

While the 2014 ceasefire is otherwise holding, it remains fragile, with at least 160 rockets and mortars having been fired at Israel, keeping thousands of people on both sides under constant threat of attack. Over the course of the 2014 conflict, Israel discovered 14 tunnels penetrating its territory. Recently, two more tunnels were discovered, leading to a temporary escalation in which militants fired 40 mortars and eight rockets at Israel and the Israel Defense Forces conducted 13 airstrikes. At least four civilians in Gaza have been killed in Israeli airstrikes since the 2014 ceasefire.

There have been a significant number of attempts to smuggle dual-use materials restricted by Israel that could be used for weapons manufacturing and tunnelling. Early in April, Israel suspended private imports of cement to Gaza for 45 days following the diversion of a substantial amount of it from its intended legitimate beneficiaries.

Lack of Palestinian unity

Reuniting Palestinians under a single, democratic and legitimate Palestinian authority on the basis of the Palestine Liberation Organization (PLO) platform and the Quartet principles remains a priority. This is critical to the fulfilment of the national aspirations of the Palestinian people. The constraints of the occupation, the absence of elections and budgetary pressures contribute to growing public discontent and undermine the popular legitimacy of Palestinian institutions and leadership. The division also damages Gaza's economic development, hinders basic service delivery and impedes the reconstruction process.

Dire humanitarian situation

Severe poverty, a crippling unemployment rate and the chronic underdevelopment of Gaza further feed instability and frustration that could create

the conditions for renewed conflict. A total of 1.3 million Gazans are in need of sustained humanitarian assistance, including temporary shelter and food. Most people have electricity less than half of the time, while only 5 per cent of the water is safe for human consumption.

Reconstruction also remains inadequate, despite notable easing measures implemented by the Israeli Government and some visible signs of progress. With international support, more than 90 per cent of schools as well as 80 per cent of electricity and 60 per cent of water infrastructure have been repaired or rebuilt following the 2014 Gaza conflict. Some 1.3 million tons of construction material have entered Gaza since the last conflict, including a recent average of over 10,000 tons per day, allowing for the reconstruction of housing, electricity and water infrastructure as well as the rejuvenation of the private sector. Over three quarters of the houses that suffered severe damage have yet to be repaired, however, in part because only 40 per cent of the donor funds pledged for Gaza in Cairo in 2014 have actually been delivered.

In 2014, Israel partially lifted a seven-year ban on all exports from Gaza to Israel and the West Bank, which led to an increase in goods exiting Gaza. Nevertheless, total exports out of Gaza are currently only 17 per cent of what they were before Hamas took control. The Israeli restrictions on external trade and access to fishing waters contribute to food insecurity and humanitarian aid dependency. Basic materials needed to restore agricultural and manufacturing facilities are considered dual use and their entry is restricted. And while the number of Palestinians exiting Gaza via Israel has grown during the past few years, such travel, including to the West Bank and East Jerusalem, remains severely limited and is primarily restricted to medical and other humanitarian cases, businesspeople and religious visits.

Recommendations

The Quartet calls upon each side to independently demonstrate, through policies and actions, a genuine commitment to the two-State solution and to refrain from unilateral steps that prejudge the outcome of final status negotiations. The Quartet emphasizes the importance of both parties complying with their basic commitments in order to advance a peaceful two-State reality on the ground and create the conditions for successful final status negations. The Quartet has the following specific recommendations:

1. Both sides should work to de-escalate tensions by exercising restraint and refraining from provocative actions and rhetoric.

2. Both sides should take all necessary steps to prevent violence and protect the lives and property of all civilians, including through continuing security coordination and strengthening the capacity, capability and authority of the Palestinian Authority security forces.

3. The Palestinian Authority should act decisively and take all steps within its capacity to decrease incitement to violence and strengthen ongoing efforts to combat terrorism, including by clearly condemning all acts of terrorism.

4. Israel should cease the policy of settlement construction and expansion, designating land for exclusive Israeli use and denying Palestinian development.

5. Israel should implement positive and significant policy shifts, including transferring powers and responsibilities in Area C, consistent with the transition to greater Palestinian civil authority contemplated by prior agreements. Progress in the areas of housing, water, energy, communications, agriculture and natural resources, along with significant easing of restrictions on Palestinian movement, can be made while respecting Israel's legitimate security needs.

6. The Palestinian leadership should continue its efforts to strengthen institutions, improve governance and develop a sustainable economy. Israel should take all necessary steps to enable this process, in line with the Ad Hoc Liaison Committee recommendations.

7. All sides must continue to respect the ceasefire in Gaza, and the illicit arms build-up and militant activities must be terminated.

8. Israel should accelerate the lifting of restrictions on movement and access to and from Gaza, with due consideration of its need to protect its citizens from terrorist attacks.

9. Gaza and the West Bank should be reunified under a single, legitimate and democratic Palestinian authority on the basis of the PLO platform, the Quartet principles and the rule of law, including control over all armed personnel and weapons in accordance with existing agreements.

10. Both parties should foster a climate of tolerance, including through increasing interaction and cooperation in a variety of fields — economic, professional, educational and cultural — that strengthen the foundations for peace and countering extremism.

The Quartet stresses the urgent need for such affirmative steps to reverse current trends and advance the two-State solution on the ground.

The Quartet stresses the significance of the Arab Peace Initiative, with its vision for comprehensive settlement of the Arab-Israeli conflict and, in that context, the opportunity for building a regional security framework, and encourages further dialogue on that basis. In this regard, the Quartet welcomes the call by the Egyptian President to Israeli, Palestinian and Arab leaders to follow the historic path towards peace taken by Israel and Egypt 37 years ago.

The Quartet also welcomes the joint communiqué issued in Paris on 3 June 2016 and its support for a negotiated two-State solution.

The Quartet encourages the international community to accelerate its efforts to address the dire humanitarian, reconstruction and recovery needs of the people in Gaza, including by expediting the disbursement of assistance pledges.

The Quartet invites the parties to engage with it in implementing the recommendations of the present report and in creating the conditions for the resumption of meaningful negotiations that resolve all final status issues.